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SENATE BILL 691

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO CRIMINAL PROCEDURE; PROVIDING MUNICIPAL LAW ENFORCEMENT OFFICERS THE AUTHORITY TO SERVE A WARRANT IN ANY COUNTY OF THE STATE; AMENDING A SECTION OF THE CRIMINAL PROCEDURE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-1-4 NMSA 1978 (being Laws 1972, Chapter 71, Section 7, as amended) is amended to read:

"31-1-4. CRIMINAL ACTIONS--DOCKETING ACTION--SERVICE-- RETURN.--

A. Upon filing of the complaint of a law enforcement officer, the court shall docket the action. Upon the filing of the complaint of any other person, the court shall collect the docket fee from the person before docketing the action.

B. Upon the docketing of any criminal action, the

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1 court may issue a summons directing the defendant to appear
2 before the court at a time stated in the summons.

3 C. When a warrant is issued in a criminal action, it
4 shall be directed to a law enforcement officer, and the
5 defendant named in the warrant shall, upon arrest, be brought by
6 the officer before the court without unnecessary delay.

7 D. It shall be the duty of the clerk of the district
8 court to issue process in criminal cases filed in the district
9 court. It shall be the duty of the clerk of the magistrate
10 court or the magistrate, if there is no clerk, to issue process
11 in criminal cases filed in the magistrate court. It shall be
12 the duty of the law enforcement officer to whom process is
13 directed to execute process and return the same to the clerk of
14 the court from which process is issued or, if there is no clerk
15 of the court, to the judge thereof.

16 E. [~~Except for criminal actions filed in municipal~~
17 ~~court~~] All police officers authorized to serve process issued in
18 any criminal action have jurisdiction to serve such process in
19 any county of this state. "

1 FORTY-THIRD LEGISLATURE

SB 691/a

2 FIRST SESSION, 1997

3
4
5 March 3, 1997

6 Mr. President:

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8 Your JUDICIARY COMMITTEE, to whom has been referred

9
10 SENATE BILL 691

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12 has had it under consideration and reports same with
13 recommendation that it DO PASS, amended as follows:

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15 1. On page 1, beginning on line 12, strike "ANY", strike
16 lines 13 and 14 in their entirety and insert in lieu thereof "A
17 COUNTY ADJACENT TO THE MUNICIPALITY ISSUING THE WARRANT; AMENDING
18 SECTIONS OF THE NMSA 1978."

19
20 2. On page 2, lines 16 and 17, restore the stricken language.

21
22 3. On page 2, between lines 19 and 20, insert the following
23 new sections:

24 "Section 2. Section 35-14-2 NMSA 1978 (being Laws 1961, Chap-
25 ter 208, Section 2, as amended) is amended to read:

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FORTY-THIRD LEGISLATURE
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"35-14-2. JURISDICTION. --

A. Each municipal court has jurisdiction over all offenses and complaints under ordinances of the municipality and may issue subpoenas and warrants and punish for contempt.

B. Upon written agreement between a municipal court and the governing body of a county where the municipal court is located or a county adjacent to the county where that municipal court is located, the municipal court shall have jurisdiction over all offenses and complaints under ordinances of the municipality and may issue subpoenas and warrants and punishment for contempt. A municipal court shall promulgate the written agreement that it has entered into with a county.

~~[B.]~~ C. Upon written agreement between the board of regents of a state educational institution designated in Article 12, Section 11 of the constitution of New Mexico and the governing body of a municipality contiguous to land under control of the board of regents or within which any portion of such land is located, the municipal court has jurisdiction over violations of campus traffic regulations adopted under Section 29-5-1 NMSA 1978 as to areas under control of the board of regents. Fines and forfeitures collected by the municipal court under campus traffic

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regulations may be credited to the state educational institution on whose campus the violation occurred.

[~~C.~~] D. Each municipal court's personal jurisdiction extends to any defendant who has been properly served with criminal process of the court anywhere in the state only if that criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs."

Section 3. Section 35-15-4 NMSA 1978 (being Laws 1884, Chapter 39, Section 21, as amended) is amended to read:

"35-15-4. SERVICE OF PROCESS OR ARREST. -- [~~Sec. 101.~~] Any [~~constable or~~] sheriff of the county in which a municipality is located or a county adjacent to the county where the municipal court is located may serve any process or make any arrests authorized [~~to be made~~] by any [~~city or town~~] municipal law enforcement officer; provided that the municipal court has entered into a written agreement with the county pursuant to the provisions of Section 35-14-2 NMSA 1978. ""

Respectfully submitted,

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Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: None

Excused: Lopez, Sanchez, Vernon

Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 6, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 691, as amended

Amendment sponsored by Senator Timothy Z. Jennings

1. Strike Senate Judiciary Committee Amendment 3.

2. On page 2, between lines 19 and 20, insert the following new sections:

"Section 2. Section 35-14-2 NMSA 1978 (being Laws 1961, Chapter 208, Section 2, as amended) is amended to read:

"35-14-2. JURISDICTION. --

A. Each municipal court has jurisdiction over all

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offenses and complaints under ordinances of the municipality and
may issue subpoenas and warrants and punish for contempt.

B. Upon written agreement between a municipal court and
the governing body of a county where the municipal court is
located or a county adjacent to the county where that municipal
court is located, the municipal court shall have jurisdiction over
all offenses and complaints under ordinances of the municipality
and may issue subpoenas and warrants and punishment for contempt.
A municipal court shall promulgate the written agreement that it
has entered into with a county.

~~[B.]~~ C. Upon written agreement between the board of
regents of a state educational institution designated in Article
12, Section 11 of the constitution of New Mexico and the governing
body of a municipality contiguous to land under control of the
board of regents or within which any portion of such land is
located, the municipal court has jurisdiction over violations of
campus traffic regulations adopted under Section 29-5-1 NMSA 1978
as to areas under control of the board of regents. Fines and
forfeitures collected by the municipal court under campus traffic

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regulations may be credited to the state educational institution on whose campus the violation occurred.

[~~C.~~] D. Each municipal court's personal jurisdiction extends to any defendant who has been properly served with criminal process of the court anywhere in the state only if that criminal process arises out of a charge of violation of a municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs."

Section 3. Section 35-15-4 NMSA 1978 (being Laws 1884, Chapter 39, Section 21, as amended) is amended to read:

"35-15-4. SERVICE OF PROCESS OR ARREST. -- [~~Sec. 101.~~] Any [~~constable or~~] sheriff of the county in which a municipality is located or a county adjacent to the county where the municipal court is located may serve any process or make any arrests within his jurisdiction authorized [~~to be made~~] by any [~~city or town~~] municipal law enforcement officer of a municipality located within an adjacent county; provided that the municipal court within the adjacent county has entered into a written agreement with the

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county exercising jurisdiction pursuant to the provisions of
Section 35-14-2 NMSA 1978. "".

Timothy Z. Jennings

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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